



**Service of Process
Transmittal**

08/18/2016

CT Log Number 529700896

TO: Brenda Brieser-Hands
YourMembership Holding Company
9620 Executive Center Dr N Ste 200
Saint Petersburg, FL 33702-2441

RE: Process Served in Florida

FOR: YourMembership.com., Inc. (Domestic State: FL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: REINA McCUSKEY, Pltf. vs. YourMembership.com., Inc., Dft.
DOCUMENT(S) SERVED: Summons, Attachment(s), Complaint
COURT/AGENCY: CUYAHOGA COUNTY COURT OF COMMON PLEAS, OH
Case # CV16867622
NATURE OF ACTION: Employee Litigation - Discrimination
ON WHOM PROCESS WAS SERVED: C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE: By Courier on 08/18/2016
JURISDICTION SERVED : Florida
APPEARANCE OR ANSWER DUE: Within 28 days after service, exclusive of the day of service (Document(s) may contain additional answer dates)
ATTORNEY(S) / SENDER(S): DANIEL P PETROV
THORMAN PETROV GROUP Co., LPA
3100 TERMINAL TOWER
50 PUBLIC SQUARE
Cleveland, OH 44113-0000
216-621-3500
ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 783865509771
SIGNED: C T Corporation System
ADDRESS: 1200 South Pine Island Road
Plantation, FL 33324
TELEPHONE: 954-473-5503

ORIGIN ID: BKLA
CCOC

(216) 443-7950

1200 ONTARIO

CLEVELAND, OH 44113
UNITED STATES US

SHIP DATE: 16AUG16
ACTWGT: 1.00 LB
CAD: 106501655/WSXI2900

BILL SENDER

TO YOURMEMBERSHIP.COM, INC.

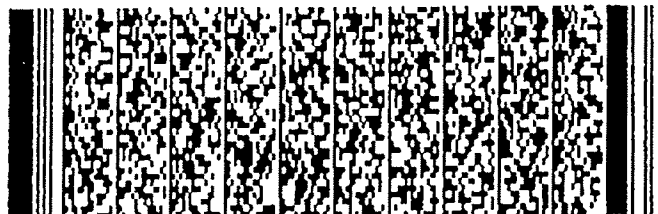
C/O STATUTORY AGENT CT CORPORATION
1200 SOUTH PINE ISLAND ROAD
PLANTATION FL 33324

(216) 443-7950
INV: 29945186
PO:

REF: CV16867622

DEPT:

544J1/137014E8



FedEx
Express



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EXPRESS SAVER

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SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

CASE NO.
CV16867622

D1 FX

SUMMONS NO.
29945186

Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

REINA MCCUSKEY
VS
YOURMEMBERSHIP.COM, INC.

PLAINTIFF

DEFENDANT

YOURMEMBERSHIP.COM, INC.
C/O STATUTORY AGENT CT CORPORATION
1200 SOUTH PINE ISLAND ROAD
PLANTATION FL 33324

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Said answer is required to be served on:



Plaintiff's Attorney

DANIEL P PETROV
3100 TERMINAL TOWER

50 PUBLIC SQUARE
CLEVELAND, OH 44113-0000

Case has been assigned to Judge:

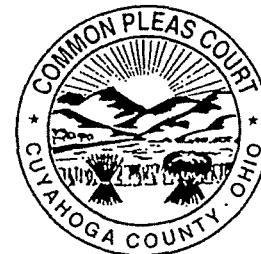
MICHAEL ASTRAB
Do not contact judge. Judge's name is given for attorney's reference only.

DATE
Aug 16, 2016

NAILAH K. BYRD
Clerk of the Court of Common Pleas

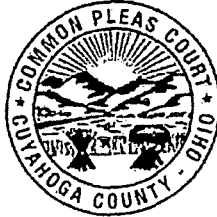
By

Deputy



COMPLAINT FILED 08/15/2016





NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

**New Case Electronically Filed:
August 15, 2016 13:40**

By: DANIEL P. PETROV 0074151
Confirmation Nbr. 829330

REINA MCCUSKEY

CV 16 867622

vs.

Judge:

YOURMEMBERSHIP.COM, INC.

MICHAEL ASTRAB

Pages Filed: 6

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

REINA McCUSKEY)	CASE NO.
53 May Court)	
Chagrin Falls, OH 44022,)	JUDGE
)	
Plaintiff,)	
)	
vs.)	
)	
YOURMEMBERSHIP.COM, INC.,)	<u>COMPLAINT</u>
c/o its statutory agent,)	
CT Corporation System)	Plaintiff demands a trial by jury on all issues
1200 South Pine Island Rd.,)	triable of right by a jury, pursuant to Ohio
Plantation, FL 33324)	R. Civ. P. 38
)	
Defendant.)	

1. Plaintiff Reina McCuskey ("McCuskey") is an Ohio citizen.
2. McCuskey is a "person" and an "employee" within the meaning of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, et seq. ("Title VII") and the Age Discrimination in Employment Act of 1967, 29 U.S.C. Section 621, et seq. ("ADEA").
3. Defendant YourMembership.com, Inc. ("Defendant") is a foreign corporation conducting business in the State of Ohio.
4. Defendant is a "person," "individual," and "employer," within the meaning of Title VII and the ADEA.
5. The injuries and conduct that gave rise to these claims occurred in Cuyahoga County, Ohio.
6. McCuskey timely filed a charge of discrimination with the U.S. Equal Employment Opportunity Commission and received a Notice of Right to Sue.
7. All jurisdictional prerequisites have been met. Jurisdiction and venue are proper.

FACTS APPLICABLE TO ALL CLAIMS

8. At all times relevant hereto, McCuskey was over the age of forty (40).
9. McCuskey was born on April 15, 1962.
10. At all times relevant hereto, Defendant knew McCuskey's age.
11. McCuskey is female.
12. At all times relevant hereto, Defendant knew McCuskey is female.
13. McCuskey is Hispanic.
14. At all times relevant hereto, Defendant knew McCuskey is Hispanic.
15. Defendant hired McCuskey in or about 2013.
16. McCuskey was qualified for the positions in which she was employed, for which she applied, for which she was considered or which she otherwise sought.
17. McCuskey at all times successfully performed the duties and responsibilities of her positions.
18. On or around September 30, 2015, Defendant terminated McCuskey's employment.
19. Defendant did not terminate McCuskey for any reasons related to her work performance, her adherence to company policy and practice, or for just cause.
20. Around the time of the termination of McCuskey's employment and thereafter, Defendant had open positions for which McCuskey was qualified, eligible and/or applied.
21. Following her termination, McCuskey applied for multiple position openings with Defendant.
22. Defendant refused to reinstate, rehire, transfer or reassign McCuskey to available positions for which she was qualified, including positions for which McCuskey was qualified, eligible and/or applied.

FIRST CAUSE OF ACTION
(Age Discrimination in Violation of the ADEA)

23. McCuskey incorporates by reference the foregoing as if fully re-alleged herein.

24. Defendant unlawfully discriminated against McCuskey because of her age with respect to the terms and conditions of her employment, including by unfairly and discriminatorily scrutinizing and evaluating her work, imposing discriminatory standards, pay, duties and responsibilities, denying her equal privileges and opportunities of employment, interfering with business relationships and opportunities, terminating her employment, and refusing to, rehire or reinstate her to her former position or consider her for open positions for which she was qualified (including positions for which she applied), in violation of the ADEA.

25. Upon information and belief, Defendants have a pattern and practice of discriminating against older workers, including by terminating older workers, replacing older workers with substantially younger workers, and hiring, retaining, transferring and promoting substantially younger individuals into positions for which older workers are qualified.

26. Defendant hired, retained, transferred and promoted substantially younger individuals into McCuskey's position (including assigning substantially younger individuals her duties and responsibilities), and into open positions for which she was qualified (including positions for which she applied).

27. As a direct and proximate result of Defendant's unlawful conduct, McCuskey suffered and will continue to suffer economic and non-economic damages, including, but not limited to, past and future economic losses, back pay, front pay, pain and suffering, and the loss of salary, benefits and other privileges and conditions of employment.

28. Defendant's discriminatory and retaliatory actions against McCuskey in violation of the ADEA were willful, reckless, and/or malicious, and render Defendant liable for past and

future economic and non-economic compensatory and liquidated damages, as well as attorneys' fees, costs, and any equitable relief that this Court deems appropriate.

SECOND AND THIRD CAUSES OF ACTION
(Gender and Race Discrimination in Violation of Title VII)

29. McCuskey incorporates by reference the foregoing as if fully re-alleged herein.

30. Defendant unlawfully discriminated against McCuskey because of her gender and her race with respect to the terms and conditions of her employment, including by unfairly and discriminatorily scrutinizing and evaluating her work, imposing discriminatory standards, pay, duties and responsibilities, denying her equal privileges and opportunities of employment, interfering with business relationships and opportunities, terminating her employment, and refusing to, rehire or reinstate her to her former position or consider her for open positions for which she was qualified (including positions for which she applied), in violation of Title VII.

31. Upon information and belief, Defendants have a pattern and practice of discriminating against women and employees of minority races, including by terminating women and minority workers, replacing women and minority workers with men and non-minority workers, and hiring, retaining, transferring and promoting men and non-minority individuals into positions discriminatorily.

32. Defendant hired, retained, transferred and promoted Caucasian and non-minority men into McCuskey's position (including assigning these individuals her duties and responsibilities), and into open positions for which she was qualified (including positions for which she applied).

33. As a direct and proximate result of Defendant's unlawful conduct, McCuskey suffered and will continue to suffer economic and non-economic damages, including, but not limited to, past and future economic losses, back pay, front pay, pain and suffering, and the loss of salary, benefits and other privileges and conditions of employment.

34. Defendant's discriminatory and retaliatory actions against McCuskey in violation of Title VII were willful, reckless, and/or malicious, and render Defendant liable for past and future economic and non-economic compensatory and punitive damages, as well as attorneys' fees, costs, and any equitable relief that this Court deems appropriate.

FOURTH CAUSE OF ACTION
(Retaliation in Violation of Title VII)

35. McCuskey incorporates by reference the foregoing as if fully re-alleged herein.

36. McCuskey engaged in protected activity within the meaning of Title VII by complaining about unlawful discrimination.

37. Defendant was aware of McCuskey's protected activity and complaints of discrimination and failed to investigate properly the same or to remedy the discriminatory conduct.

38. Defendant was aware of McCuskey's complaints of discrimination and retaliated, discriminated, and took adverse employment actions against McCuskey on account of her complaints.

39. Defendant unlawfully retaliated against McCuskey because of her complaints of discrimination with respect to the terms and conditions of her employment, including by unfairly and discriminatorily scrutinizing and evaluating her work, imposing discriminatory standards, denying her equal privileges and opportunities of employment, interfering with business relationships and opportunities, terminating her employment, and refusing to, rehire or reinstate her to her former position or consider her for open positions for which she was qualified (including positions for which she applied), in violation of Title VII.

40. As a direct and proximate result of Defendant's unlawful conduct, McCuskey suffered and will continue to suffer economic and non-economic damages, including, but not

limited to, past and future economic losses, back pay, front pay, pain and suffering, and the loss of salary, benefits and other privileges and conditions of employment.

41. Defendant's discriminatory and retaliatory actions against McCuskey in violation of Title VII were willful, reckless, and/or malicious, and render Defendant liable for past and future economic and non-economic compensatory and punitive damages, as well as attorneys' fees, costs, and any equitable relief that this Court deems appropriate.

CONCLUSION

Plaintiff Reina McCuskey seeks an amount in excess of \$25,000 to fully, fairly and justly compensate her for injury, damage and loss, and respectfully prays that this Court enter judgment in her favor and award her past and future economic and non-economic compensatory damages, consequential damages, incidental damages, punitive damages, liquidated damages, interest, all reasonable attorneys' fees, costs and expenses, and any additional equitable relief that the Court deems appropriate, including, but not limited to, back pay, front pay, past and future losses, reinstatement and promotion.

Respectfully submitted,

/s/Daniel P. Petrov

DANIEL P. PETROV (0074151)

dpetrov@tpgfirm.com

ELIZABETH A. RADER (0038756)

brader@tpgfirm.com

THORMAN PETROV GROUP CO., LPA
3100 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
Tel. (216) 621-3500
Fax (216) 621-3422

Counsel for Plaintiff Reina McCuskey